

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: June 6, 2018

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DANIEL RIVERA,

Plaintiff,

-v-

HOME DEPOT U.S.A. INC.,

Defendant and Third-Party Plaintiff,

-v-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

-----X  
KATHERINE B. FORREST, District Judge:

16-cv-7552 (KBF)

ORDER

The Court is in receipt of Home Depot U.S.A. Inc.'s ("Home Depot") motion for attorney's fees and costs (ECF No. 168), as well as Bryan's Home Improvement Corp.'s ("BHIC") opposition (ECF No. 171) and Home Depot's reply (ECF No. 173). On May 15, 2018, prior to Home Depot's motion being filed, BHIC filed a notice of appeal from the two underlying judgments at ECF Nos. 151 and 152. (ECF No. 155.) That appeal is now before the United States Court of Appeals for the Second Circuit.

In light of the foregoing, the Court concludes that it is in the interest of justice and judicial efficiency to postpone judgment during the pendency of BHIC's appeal, the resolution of which may affect the Court's analysis of the pending motion for costs and fees. Accordingly, the Clerk of Court is directed to

administratively terminate the motion at ECF No. 168 with leave to refile upon resolution of BHIC's appeal.

SO ORDERED.

Dated: New York, New York  
June 6, 2018

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

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KATHERINE B. FORREST  
United States District Judge